



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/118,100 07/17/98 LEE

H 678-139 (P841)

TM02/1106

FRANK CHAU
DILWORTH AND BARRESE
333 EARLE OVINGTON BLVD
UNIONDALE NY 11553

EXAMINER

GARY, E

ART UNIT

PAPER NUMBER

2681

DATE MAILED:

11/06/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/118,100

Applicant

Lee

Examiner

Erika A. Gary

Group Art Unit

2681



☒ Responsive to communication(s) filed on Sep 1, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-3, 5-9, 11, and 12 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3, 5-9, 11, and 12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2681

FINAL REJECTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: on line 1, "of" should be deleted; on line 8, "set" should be "acquired". Appropriate correction is required.
2. Claim 6 is objected to because of the following informalities: on line 5, "said setting" should be "said acquiring". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mardhekar et al., US Patent Number 5,528,558 (hereinafter Mardhekar) in view of Smolinske, US Patent Number 5,655,218 (hereinafter Smolinske).

Regarding claim 1, Mardhekar discloses an apparatus for displaying local time information, comprising: means for storing Greenwich mean time (GMT) information for each of a plurality of cities; means for setting a reference time; means for counting a duration of time that elapses from when said reference time is set; means for selecting at least one of said plurality of

Art Unit: 2681

cities and calculating a local time of said selected city, said local time being based on a difference between the GMT of said selected city and the GMT of a present location of said apparatus, said reference time and said elapsed time; and means for outputting said local time [col. 1: line 63 - col. 2: line 24; col. 11: lines 18-26].

What Mardhekar does not specifically disclose is the that the reference time is acquired from a signal received from a remote system. However, this limitation is taught by Smolinske as will be discussed below.

Smolinske discloses a mobile telephone displaying chronological information wherein the reference time is acquired from a signal received from a remote system [col. 2: lines 20-34].

Mardhekar and Smolinske are combinable because they are from the same field of endeavor, that is, telephones for displaying time information. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Mardhekar to include Smolinske. The motivation for this combination, suggested by Smolinske, would have been to obtain the reference time information from an outside source to reduce the number of necessary components in the apparatus in order to reduce cost, size, and weight [col. 1: lines 40-55] and further to avoid the need to use excess battery power to continually maintain the reference time information when the apparatus is deactivated [col. 4: lines 34-39].

Regarding claim 2, Smolinske discloses the apparatus is a mobile telephone [col. 2: lines 61-63].

Art Unit: 2681

Regarding claim 3, Mardhekar discloses said reference time is set by a user of said apparatus [col. 3: lines 59-60].

Regarding claim 5, Smolinske discloses a mobile telephone displaying chronological information wherein the reference time is a system time acquired from a sync channel message received by said mobile cellular phone from a base station of a CDMA cellular system [col. 2: lines 20-34, 49-53].

5. Claims 6, 7, 9, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mardhekar in view of Smolinske.

Regarding claim 6, Mardhekar discloses in an apparatus having a display and a memory for storing Greenwich mean time (GMT) information for each of a plurality of cities, a method for generating local time information, comprising the steps of: setting a reference time; counting a time which elapses from said setting of said reference time; selecting at least one of said plurality of cities; calculating a local time of said selected city based on a difference between the GMT of a present location of said apparatus, said reference time and said elapsed; and displaying said calculated local time [col. 1: line 63 - col. 2: line 24; col. 11: lines 18-26].

What Mardhekar does not specifically disclose is the that the reference time is acquired from a signal received from a remote system. However, this limitation is taught by Smolinske as will be discussed below.

Art Unit: 2681

Smolinske discloses a mobile telephone displaying chronological information wherein the reference time is acquired from a signal received from a remote system [col. 2: lines 20-34].

Mardhekar and Smolinske are combinable because they are from the same field of endeavor, that is, telephones for displaying time information. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Mardhekar to include Smolinske. The motivation for this combination, suggested by Smolinske, would have been to obtain the reference time information from an outside source to reduce the number of necessary components in the apparatus in order to reduce cost, size, and weight [col. 1: lines 40-55] and further to avoid the need to use excess battery power to continually maintain the reference time information when the apparatus is deactivated [col. 4: lines 34-39].

Regarding claim 7, Mardhekar discloses the step of displaying a message to set a reference time if said step of setting a reference time does not occur [fig. 9; col. 9: lines 11-17].

Regarding claim 9, Mardhekar discloses said reference time is a time set by a user [col. 3: lines 59-60].

Regarding claim 11, Smolinske discloses the apparatus is a mobile telephone [col. 2: lines 61-63].

Regarding claim 12, Smolinske discloses a mobile telephone displaying chronological information wherein the reference time is a system time acquired from a sync channel message received by said mobile cellular phone from a base station of a CDMA cellular system [col. 2: lines 20-34, 49-53].

Art Unit: 2681

6. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kataoka in view of Smolinske.

Regarding claim 6, Kataoka discloses in an apparatus having a display and a memory for storing Greenwich mean time (GMT) information for each of a plurality of cities, a method for generating local time information, comprising the steps of: setting a reference time; counting a time which elapses from said setting of said reference time; selecting at least one of said plurality of cities; calculating a local time of said selected city based on a difference between the GMT of a present location of said apparatus, said reference time and said elapsed; and displaying said calculated local time [figs. 7a, 7b; col. 2: lines 1-10; col. 7: lines 13-44].

What Kataoka does not specifically disclose is the that the reference time is acquired from a signal received from a remote system. However, this limitation is taught by Smolinske as will be discussed below.

Smolinske discloses a mobile telephone displaying chronological information wherein the reference time is acquired from a signal received from a remote system [col. 2: lines 20-34].

Kataoka and Smolinske are combinable because they are from the same field of endeavor, that is, electronic devices for displaying time information. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Kataoka to include Smolinske. The motivation for this combination, as suggested by Smolinske, would have been to obtain the reference time information from an outside source to avoid the need to use excess battery power

Art Unit: 2681

to continually maintain the reference time information when the apparatus is deactivated [col. 4: lines 34-39].

Regarding claim 8, Kataoka discloses said step of selecting includes the substeps of: displaying a list of said plurality of cities; and scrolling through said list to select a desired one of said plurality of cities [fig. 1a: refs. 141, 142; col. 16: line 66 - col. 17: line 23].

Response to Arguments

7. Applicant's arguments with respect to claims 1 and 6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2681.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2681

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Gary whose telephone number is (703) 308-0123. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703)308-6306 or (703) 308-6296 (for formal communications; please mark "EXPEDITED PROCEDURE" and for informal or draft communications, please label "PROPOSED" or "DRAFT")

Application/Control Number: 09/118,100

Page 9

Art Unit: 2681

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive Arlington, VA., Sixth Floor (Receptionist).

Erika Gary



November 3, 2000

Nay Maung
NAY MAUNG
PATENT EXAMINER *11/5/00*